
APPENDIX

REPORTS OF STANDING COMMITTEE

The following committee reports were received by the Secretary of the Senate:

February 9, 1995

EDUCATION — C.S.S.C.R. 18, C.S.S.B. 397

SENT TO GOVERNOR

(February 9, 1995)

S.C.R. 39

S.C.R. 44

NINETEENTH DAY

(Monday, February 13, 1995)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Harris, Haywood, Henderson, Leedom, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Truan, Turner, Wentworth, Zaffirini.

Absent-excused: Lucio, Sims, West, Whitmire.

A quorum was announced present.

The Reverend Dorothy L. Robinson, St. John's Episcopal Church, Austin, offered the invocation as follows:

Almighty God, You have blessed us with this wonderful state. Bless these lawmakers in whom we have entrusted the authority of government. Make them mindful of their call to serve the people of this state as they exercise this authority. Give them the courage, wisdom, and foresight to govern wisely. Guide them as they enact laws, that these laws may be the best for this state and for all the people of this state. Strengthen them to lay aside their differences and stand united in their search for the means to accomplish these ends. All this we ask for the welfare of this state and of the people, and that Your name may be glorified. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 9, 1995, was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

On motion of Senator Brown, Senator Lucio was granted leave of absence for today on account of important business.

On motion of Senator Brown, Senator West was granted leave of absence for today on account of important business.

On motion of Senator Brown, Senator Whitmire was granted leave of absence for today on account of important business.

On motion of Senator Truan, Senator Sims was granted leave of absence for today on account of illness.

CO-AUTHOR OF SENATE BILL 25

On motion of Senator Sibley and by unanimous consent, Senator Cain will be shown as Co-author of S.B. 25.

CO-AUTHOR OF SENATE BILL 141

On motion of Senator Ellis and by unanimous consent, Senator Gallegos will be shown as Co-author of S.B. 141.

CO-AUTHOR OF SENATE BILL 142

On motion of Senator Ellis and by unanimous consent, Senator Barrientos will be shown as Co-author of S.B. 142.

CO-AUTHORS OF SENATE BILL 246

On motion of Senator Wentworth and by unanimous consent, Senators Harris and Haywood will be shown as Co-authors of S.B. 246.

CO-AUTHOR OF SENATE BILL 329

On motion of Senator Sims and by unanimous consent, Senator Armbrister will be shown as Co-author of S.B. 329.

CO-AUTHORS OF SENATE BILL 385

On motion of Senator Ellis and by unanimous consent, Senators Madla and Luna will be shown as Co-authors of S.B. 385.

CO-AUTHOR WITHDRAWN

Senator Nelson requested the removal of her name as Co-author of S.B. 25.

The request was granted.

MESSAGE FROM THE HOUSE

House Chamber
February 13, 1995

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 80, Commending Dr. Bill Dean for his contributions to higher education.

H.C.R. 79, In memory of Corporal Harlon Block, U.S.M.C.

Respectfully,

Cynthia Gerhardt, Chief Clerk
House of Representatives

CAPITOL PHYSICIAN

Senator Armbrister was recognized and presented Dr. Dane Simons of Bay City as the "Doctor for the Day."

The Senate welcomed Dr. Simons and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

SENATE RESOLUTION 143

Senator Barrientos offered the following resolution:

WHEREAS, The Shelton family has contributed to the colorful history of Texas for the past 150 years; and

WHEREAS, The Shelton family has given Texas two outstanding citizens by the name of Emmett Shelton who were both born on February 12; and

WHEREAS, Emmett Shelton, Sr., followed the family tradition in the practice of law in Austin and was active with state and local politics for over 40 years, working with such Texas notables as Lyndon Johnson, "Ma" Ferguson, and Coke Stevenson; and

WHEREAS, He contributed to the character of Central Texas by incorporating and developing the City of West Lake Hills, served the nation as a United States Marine in World War II, and serves Texas to this day by recording local history for future generations; and

WHEREAS, On Emmett Shelton, Sr.'s, 26th birthday he was blessed with the birth of the first of three sons and named him Emmett Shelton, Jr.; and

WHEREAS, Emmett Shelton, Jr., served the community of West Lake Hills for over 20 years as a local business leader, police chief, and volunteer fireman; and

WHEREAS, He served his country in the United States Marines during the Korean War in the Chosin Reservoir Entrapment and suffered disability; and

WHEREAS, He has continued to enrich the lives of his fellow Marines for the past 10 years by publishing a monthly Marine history journal; and

WHEREAS, On February 12, 1995, Emmett Shelton, Sr., will celebrate his 90th birthday and Emmett Shelton, Jr., will celebrate his 64th birthday; and

WHEREAS, The dedicated public service of these two distinguished Texans serves as a model to all Texans; now, therefore, be it

RESOLVED, That a copy of this Resolution be prepared for each of these distinguished Texans as a memento of this special day in their lives.

The resolution was again read.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was previously adopted on Thursday, February 2, 1995.

GUESTS PRESENTED

Senator Barrientos was recognized and introduced to the Senate Emmett Shelton, Sr., and Emmett Shelton, Jr. Accompanying Emmett Shelton, Jr., was his wife, Jeanette, and daughter Cyndie Shelton Schmitt.

The Senate welcomed its guests.

(Senator Truan in Chair)

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
February 13, 1995

TO THE SENATE OF THE SEVENTY-FOURTH LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

TO BE EXECUTIVE DIRECTOR OF THE TEXAS DEPARTMENT OF
COMMERCE for a term to expire February 1, 1997:

BRENDA F. ARNETT

1801 Kipling

Houston, Texas 77098

Ms. Arnett will be replacing Deborah C. Kastrin of Austin, whose term expired.

Respectfully submitted,

/s/George W. Bush
Governor of Texas

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time, and referred to the committees indicated:

S.B. 362 by Armbrister, Montford State Affairs
Relating to the continuation and functions of the Texas Workers'
Compensation Commission; providing penalties.

S.B. 363 by Armbrister, Montford State Affairs
Relating to the continuation and functions of the Texas Workers'
Compensation Insurance Fund.

- S.B. 364** by Armbrister, Montford State Affairs
Relating to the consolidation of the Texas Workers' Compensation Research Center and the Legislative Oversight Committee for workers' compensation and to the functions of the new entity.
- S.B. 365** by Moncrief State Affairs
Relating to the continuation and functions of the Texas Historical Commission and to the abolition of the Antiquities Committee and the transfer of the committee's functions to the commission.
- S.B. 508** by Zaffirini Health and Human Services
Relating to the establishment and operation of a branch academic health center in Webb County as part of The University of Texas Health Science Center at San Antonio.
- S.B. 512** by Harris Jurisprudence
Relating to payment for a statement of facts in a suit affecting the parent-child relationship.
- S.B. 513** by Moncrief Health and Human Services
Relating to the requirement that a prospective voluntary inpatient mental health consumer be accompanied by a physician's signed order.
- S.B. 514** by Harris Jurisprudence
Relating to the availability of health insurance for certain children the subject of a child support order.
- S.B. 515** by Harris Jurisprudence
Relating to the protection of children from controlled substances.
- S.B. 516** by Henderson Jurisprudence
Relating to approval of and objection to assignment of certain visiting judges.
- S.B. 517** by Ellis State Affairs
Relating to authorizing targeted investments by certain retirement systems to stimulate community development.
- S.B. 518** by Zaffirini State Affairs
Relating to contracts made by the Texas Commission on Fire Protection implementing the commission's volunteer program.
- S.B. 519** by Madla Health and Human Services
Relating to peer assistance and reporting programs for students enrolled in certain professional educational programs.
- S.B. 520** by Montford, Lucio Intergovernmental Relations
Relating to eligibility for retirement and benefits under the Texas Municipal Retirement System.
- S.B. 521** by Zaffirini State Affairs
Relating to the civil and criminal consequences of an arrest or conviction for an offense involving the operation of a motor vehicle while intoxicated.
- S.B. 522** by Sims, Brown Criminal Justice
Relating to the offense of criminal mischief.

(President in Chair)**GUESTS PRESENTED**

Senator Truan was recognized and introduced to the Senate a group of international guests who are involved in the workings of government in their respective countries: Ms. Nancy E. Mahieu, Energy Attache, Ministry of Economic Affairs, Belgium; Omer Kalyoncu, Organizational Secretary, Turkish Republican Party, Cyprus; Mikis Shanis, Spokesman, Adesok Leftist Party, and Senior Administrative Admissions Officer, Inter-College, Nicosia, Cyprus; Lubos Palata, Foreign Affairs Reporter, *Mlada Fronta Dnes*, Czech Republic; Ms. Annegrethe Felter Rasmussen, Foreign Editor and Foreign Affairs Specialist, *Weekendavisen*, Denmark; Ms. Charlotte Fugslang, Official "LO," National Trade Union Confederation, Denmark; Ms. Anne Karita Palm, International Secretary, Kansallinen Kokoomus, Finland; Dr. Johannes Beerman, Head, Office of the General Secretary of the CDU, Germany; Dr. Paraskevi Perraki, Assistant Professor, International Law, University of Macedonia, Greece; Ferenc Garzo, Foreign Affairs Editor, *Nepszava*, Hungary; Pietro Veronese, Deputy Foreign Affairs Editor, *La Repubblica*, Italy; Arvydas Daunoravicius, Head of Americas Division, Ministry of Foreign Affairs, Lithuania; Jeroen Duindam, Assistant Professor, International Relations, Utrecht University, Netherlands; Vladimir Radulovic, Member, Main Board, Social Democratic Party, Montenegro; Sorren Eriksson, Editorial Writer, *Aftonbladet*, Sweden; Hermann Tertsch, Deputy Editor, editorial page, *El Pais*, Spain; Dr. Husseyin Bagci, Associate Professor and Vice-chairman, International Relations, Middle East Technical University, Turkey; Colin Bartie, Political Assistant to David Martin, European Parliament, United Kingdom; Peter McQuibban, Senior Desk Officer, former Soviet Union, The Cabinet Office, United Kingdom; and United States Escort Officers, Ms. Johnsy Middleton and Lonnie Hilliard.

The Senate welcomed its distinguished guests.

CONCLUSION OF MORNING CALL

The President at 11:19 a.m. announced the conclusion of morning call.

SENATE BILL 314 ON SECOND READING

Senator Haywood moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that **S.B. 314** be taken up for consideration at this time:

S.B. 314, Relating to the determination of market price of natural gas.

The motion prevailed by the following vote: Yeas 25, Nays 0, Present-not voting 2.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Harris, Haywood, Henderson, Leedom, Luna, Madla, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Truan, Turner, Wentworth, Zaffirini.

Present-not voting: Moncrief, Montford.

Absent-excused: Lucio, Sims, West, Whitmire.

The bill was read second time and was passed to engrossment by a viva voce vote.

RECORD OF VOTES

Senators Moncrief and Montford asked to be recorded as "Present-not voting" on the passage of the bill to engrossment.

SENATE BILL 314 ON THIRD READING

Senator Haywood moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 314** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 0, Present-not voting 2.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Harris, Haywood, Henderson, Leedom, Luna, Madla, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Truan, Turner, Wentworth, Zaffirini.

Present-not voting: Moncrief, Montford.

Absent-excused: Lucio, Sims, West, Whitmire.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTES

Senators Moncrief and Montford asked to be recorded as "Present-not voting" on the final passage of the bill.

SENATE BILL 91 ON SECOND READING

Senator Leedom moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that **S.B. 91** be taken up for consideration at this time:

S.B. 91, Relating to disability retirement under the Employees Retirement System of Texas.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Lucio, Sims, West, Whitmire.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 91 ON THIRD READING

Senator Leedom moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 91** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Lucio, Sims, West, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0. (Same as previous roll call)

SENATE BILL 113 ON SECOND READING

Senator Patterson moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that **S.B. 113** be taken up for consideration at this time:

S.B. 113, Relating to the areas subject to a statute governing creation, extension, renewal, or modification of deed restrictions applicable to residential real estate subdivisions.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Lucio, Sims, West, Whitmire.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 113 ON THIRD READING

Senator Patterson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 113** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Lucio, Sims, West, Whitmire.

The bill was read third time.

Senator Patterson offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **S.B. 113** as follows:

SECTION 2. Section 201.001(c), Property Code, is amended to read as follows:

(c) The provisions of this chapter relating to addition to or modification of existing restrictions do not apply to a subdivision if, by the express terms of the instrument creating the restrictions, the restrictions affecting the real property within the subdivision provide for addition to or modification of the restrictions by written and filed agreement of a specified percentage of less than 75 percent of the owners of real property interests in the subdivision as set forth in the instrument creating the restrictions. Provisions in the restrictions requiring the consent of the developer of the subdivision or an architectural control committee for any addition to or modification of the restrictions shall not affect the exclusionary provisions of this Subsection (c).

SECTION 3. Section 201.004(a), Property Code, is amended to read as follows:

(a) A petition may be filed under this chapter to extend or renew an unexpired restriction, to create a restriction, or add to or modify an existing restriction. Provided, however, if any existing restriction establishes, imposes or creates rights, duties or obligations in, to or upon either the developer of the subdivision or an architectural control

committee established by the instrument creating the restriction, such rights, duties and obligations cannot be altered, affected, increased or diminished unless the person or entity that is the holder of such rights or that is obligated to perform such duties and obligations joins in the petition.

By unanimous consent, the committee amendment was read and was adopted by a viva voce vote.

The bill as amended was finally passed by the following vote: Yeas 27, Nays 0.

Absent-excused: Lucio, Sims, West, Whitmire.

SENATE BILL 315 ON SECOND READING

Senator Haywood moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that **S.B. 315** be taken up for consideration at this time:

S.B. 315, Relating to the testing of gas well pressure.

The motion prevailed by the following vote: Yeas 25, Nays 0, Present-not voting 2.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Harris, Haywood, Henderson, Leedom, Luna, Madla, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Truan, Turner, Wentworth, Zaffirini.

Present-not voting: Moncrief, Montford.

Absent-excused: Lucio, Sims, West, Whitmire.

The bill was read second time and was passed to engrossment by a viva voce vote.

RECORD OF VOTES

Senators Moncrief and Montford asked to be recorded as "Present-not voting" on the passage of the bill to engrossment.

SENATE BILL 315 ON THIRD READING

Senator Haywood moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 315** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 0, Present-not voting 2.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Harris, Haywood, Henderson, Leedom, Luna, Madla, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Truan, Turner, Wentworth, Zaffirini.

Present-not voting: Moncrief, Montford.

Absent-excused: Lucio, Sims, West, Whitmire.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTES

Senators Moncrief and Montford asked to be recorded as "Present-not voting" on the final passage of the bill.

COMMITTEE SUBSTITUTE SENATE CONCURRENT RESOLUTION 18 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution were suspended to consider at this time on its second reading:

C.S.S.C.R. 18, Requesting the Texas Higher Education Coordinating Board to conduct a review of all instruction provided by higher education institutions, universities and schools receiving public money, including independent schools receiving tuition equalization grants, related to domestic violence.

The resolution was read second time and was adopted by a viva voce vote.

RECORD OF VOTE

Senator Haywood asked to be recorded as voting "Nay" on the adoption of the resolution.

MEMORIAL RESOLUTIONS

S.R. 184 - By Armbrister: In memory of Fred Davenport, Jr., of Austin and Houston.

S.R. 206 - By Truan: In memory of John D. Ratkovic of Corpus Christi.

CONGRATULATORY RESOLUTIONS

S.C.R. 47 - By Turner: Commending the Windham School System on 25 years of service to the State of Texas.

S.C.R. 48 - By Truan: Recognizing community action agencies as an integral part of the human services delivery network for the State of Texas.

S.C.R. 49 - By Patterson: Commending the Texas oyster industry for maintaining high standards of quality.

S.R. 185 - By Armbrister: Recognizing the Bicentennial of the founding of the Mission Nuestra Señora del Refugio, the last Spanish mission established in Texas.

S.R. 187 - By Wentworth: Congratulating Jerrilyn Lohn Ray of Lohn and Brady on the occasion of her retirement from the Texas Agricultural Extension Service.

S.R. 189 - By Shapiro: Recognizing the Dallas Acts Kind group as it observes Kindness Week from February 12 through February 19, 1995.

S.R. 190 - By Barrientos: Recognizing Elsa B. Germer as one of the residents of the Rebekah Baines Johnson Retirement Center who is over 90 years of age.

S.R. 191 - By Barrientos: Recognizing Effie Leonard as one of the residents of the Rebekah Baines Johnson Retirement Center who is over 90 years of age.

S.R. 192 - By Barrientos: Recognizing Coralia Schotz as one of the residents of the Rebekah Baines Johnson Retirement Center who is over 90 years of age.

S.R. 193 - By Barrientos: Recognizing Elizabeth Stroburg as one of the residents of the Rebekah Baines Johnson Retirement Center who is over 90 years of age.

S.R. 194 - By Barrientos: Recognizing Lola Mae Daniel as one of the residents of the Rebekah Baines Johnson Retirement Center who is over 90 years of age.

S.R. 195 - By Barrientos: Recognizing Noreen O'Kane as one of the residents of the Rebekah Baines Johnson Retirement Center who is over 90 years of age.

S.R. 196 - By Barrientos: Recognizing Irma Hurd as one of the residents of the Rebekah Baines Johnson Retirement Center who is over 90 years of age.

S.R. 197 - By Barrientos: Recognizing Ruth Franklin as one of the residents of the Rebekah Baines Johnson Retirement Center who is over 90 years of age.

S.R. 198 - By Barrientos: Recognizing Louise Bradshaw as one of the residents of the Rebekah Baines Johnson Retirement Center who is over 90 years of age.

S.R. 199 - By Barrientos: Recognizing Alta Russell as one of the residents of the Rebekah Baines Johnson Retirement Center who is over 90 years of age.

S.R. 200 - By Barrientos: Recognizing Helen Church as one of the residents of the Rebekah Baines Johnson Retirement Center who is over 90 years of age.

S.R. 201 - By Barrientos: Recognizing Beatrice "Betty" de Goumois as one of the residents of the Rebekah Baines Johnson Retirement Center who is over 90 years of age.

S.R. 202 - By Barrientos: Recognizing Lillian "Lindy" Lindeman as one of the residents of the Rebekah Baines Johnson Retirement Center who is over 90 years of age.

S.R. 203 - By Barrientos: Honoring Volunteers in Service to America (VISTA) on the occasion of its 30th anniversary.

S.R. 204 - By Barrientos, Armbrister: Commending Ofelia Vasquez-Philo on the occasion of her retirement from the Community Action Agency in San Marcos.

S.R. 205 - By Sims: Proclaiming February 14, 1995, as Gatesville Day.

S.R. 207 - By Ellis: Recognizing Marlene Sharon Saritzky, who served as Director of the Office of Music, Film, Television, and Multimedia Industries, for her contributions to the industry.

S.R. 208 - By Ellis: Recognizing Jacqueline Martin who has been named the new executive director for the San Jacinto Girl Scout Council.

S.R. 209 - By Ellis: Commending Wayne S. Alexander for his career with Southwestern Bell Telephone Company in Houston.

ADJOURNMENT

On motion of Senator Truan, the Senate at 11:44 a.m. adjourned until 10:30 a.m. tomorrow.

APPENDIX

Signed by Governor
(February 10, 1995)

H.C.R. 33	H.C.R. 45
H.C.R. 47	H.C.R. 54

TWENTIETH DAY

(Tuesday, February 14, 1995)

The Senate met at 10:30 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Harris, Haywood, Henderson, Leedom, Luna, Madla, Moncrief, Montford,